

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARSHALL VANN, Individually and as
Heir and Administrator for the Estate of
LENA WELLS, Deceased, and
FREDDIE WELLS, Individually and as Heir
of the Estate of LENNA WELLS, and
HAZEL WELLS, Individually and as Heir
of the Estate of LENNA WELLS, and
KENNETH WELLS, Individually and
as Heir of the Estate of LENNA WELLS,
GLENN WELLS, Individually and as Heir
of the Estate of LENNA WELLS, and
PAMELA WELLS, Individually and as Heir
of the Estate of LENNA WELLS, and
GWEN HENDERSON, Individually
and as Heir of the Estate of
LENNA WELLS

v.

THE CITY OF LEWISVILLE, TEXAS and
STEVE MCFADDEN, As an
Individual and in his official
capacity as Police Chief of
Lewisville, Texas; and
DON SMITH, As an Individual and in
his official capacity as a Police Officer
of Lewisville, Texas; and
L.D. RUTHART, As an Individual and in
his official capacity as a Police
Officer of Lewisville, Texas; and
WILLIAM R. OWEN, JR., As an Individual
and in his official capacity as a
Police Officer of Lewisville, Texas; and
T.M. SANDLIN, As an Individual and in
his official capacity as a Police
Officer of Lewisville, Texas; and
STEVE CLUBB, As an Individual and in
his official capacity as a Police
Officer of Lewisville, Texas

CIVIL ACTION NO.
4:91 CV 181

[Handwritten signatures and initials follow]

AGREED ORDER OF JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 68

NOW COME the parties herein, in each and any of their respective
capacities, individual or otherwise, and by and through their counsel of

AGREED ORDER OF JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 68 - PAGE 1

A TRUE COPY CERTIFIED
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

By: *Bundy Stein*

CIV. ORDER BOOK
v 67 P 85

record now advise this Honorable Court as follows:

1. Defendants herein, in each and any of their respective capacities, have offered, in writing, to allow all Plaintiffs herein, in each and any of their respective capacities, to take judgment against all Defendants, jointly and severally, for and in a total amount of One Hundred Thousand and No/100 Dollars (\$ 100,000.00). Said sum is intended to settle any and all claims against any and all of the Defendants herein, jointly and severally, and said sum encompasses any and all items of damage, including but not limited to, any attorneys' fees, costs and interest.

2. Plaintiffs herein, in each and any of their respective capacities, have accepted said offer of judgment in writing. Exhibit "A", attached hereto and incorporated herein is a letter from Plaintiffs' counsel confirming such acceptance.

IT IS THEREFORE NOW HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs herein recover of Defendants herein, jointly and severally, the sum of One Hundred Thousand and No/100 (\$ 100,000.00).

Paul Boscawen
JUDGE PRESIDING

March 5th, 1993
DATE

F:\WFFILES\W\WELLS.LNA\AGREED.ORD

**AGREED ORDER OF JUDGMENT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 68 - PAGE 2**

Mtd 3-8-93 to: John Lubitz Boardman
Ludlum
Roger
D. ...on

THE LAW FIRM OF
JEFFERY M. DIXON, P.C.
5601 N. MACARTHUR BOULEVARD, SUITE 105
IRVING, TEXAS 75038

Telephone
214 580 0059

March 1, 1993

Faximile
214 580 0751

Mr. Darrell Noga
Cowles & Thompson
901 Main Street, Suite 4000
Dallas, TX 75202-3793

Exhibit "A"

Attorney for Defendants, Smith, Sandlin & Owen

Mr. David LaBrec
Mr. Kevin Oliver
Strasburger & Price
901 Main Street, Suite 4300
Dallas, TX 75202

Re: Marshall Vann, et al
v.
City of Lewisville, TX et al
U.S. District Court
Sherman Division
No. 4-91-CV-181

Attorneys for Defendants, Ruthart & Clubb

Mr. James Ludlum, Jr.
Ludlum & Ludlum
The Enterprise Plaza
Austin, TX 78728

Attorney for Defendants, City of Lewisville, Texas &
Lewisville Police Chief, Steve McFadden

Gentlemen:

In response to your letter of February 19, 1993, the Plaintiffs, and each of them in their several capacities, agree to take Judgment against each of the Defendants, jointly and severally, in their several capacities, and will accept the sum of One Hundred Thousand and No/100 Dollars (\$ 100,000.00) to settle any and all claims they may have against the Defendants, pursuant to Rule 68, Federal Rules of Civil Procedure, and Article 6, Paragraph 9 of the local Court rules.

Sincerely,

JEFFERY M. DIXON, P.C.



JEFFERY M. DIXON

JMD/lbb

cc: Judge Paul Brown
U.S. District Court